

RULES OF THE SUPREME COURT

ARTICLE II. ADMISSION OF ATTORNEYS AND OTHERS TO PRACTICE LAW

Rule 1. Admission on Examination. Every person applying for admission to the bar upon examination shall file a written application, under oath, in the clerk's office and shall satisfy the board of bar examiners that:

- a) He/She is a citizen of the United States or legal resident, of good character;
- b) He/She is over twenty-one (21) years of age;
- c) If admitted, he/she intends to practice law in this state;
- d) He/She has graduated from a law school accredited and approved by the American Bar Association and approved by the board; and
- e) He/She has (or will have prior to the date of admission):
 - i. Satisfactorily completed a training course sponsored by the Rhode Island Bar Association approved by the board either before examination for admission to the bar or within one (1) year thereafter. Evidence of said completion shall be filed by the applicant in a form approved by the Rhode Island Bar Association and the board signed by the course director.
 - ii. This mandatory requirement for completing said training course shall become effective with all those applying for admission to the bar, who takes the examination scheduled for February, 1987.
 - iii. In the event an applicant or member of the bar does not satisfactorily complete the training course as required above, then that person, in the event said person has been admitted to the bar, shall be required to appear before this Court to show cause why his or her admission should not be suspended or revoked for failure to comply with this requirement.
- (f) He/she is otherwise qualified to practice law. No person shall be permitted to take more than five (5) examinations except by special order of the court, and the court, as a condition of granting special permission to take further examination, shall impose upon the applicant additional educational requirements. Commencing with the July 1998 bar examination, however, no person who prior to the date thereof or at any time thereafter has failed a total of five (5) bar examination, whether in Rhode Island or in any other combination of states, districts, or territories of the United States (including the District of Columbia), will again be permitted to take the Rhode Island bar examination, and no special order excepting any such person from this five (5) examination limit will be granted by this court.

Rule 2. Attorney admitted in other states. A person who has been admitted as an attorney of the highest court of any state, district or territory of the United States for at least five (5) years who applies for admission in this State shall only be

required to take the essay portion of the Rhode Island Bar Examination upon the applicant's compliance with the following conditions:

- a) He/she shall file a written application, under oath, with the Clerk's Office and shall satisfy the board that he/she meets the requirements of subdivisions **(a)(b) and (c) of Rule 1**;
- b) He/she has been engaged in the active practice of law therein, for at least five (5) years of the last ten (10) years immediately preceding filing of this application;
- c) He/she has been engaged in the teaching of law, for at least five (5) years of the last ten (10) years immediately preceding the filing of his/her application;
- d) Said applicant shall provide the court with a certificate of admission from the highest judicial court of such state, district or territory, of which he/she is admitted.
- e) Any attorney who is a member of the bar of the highest judicial court of a state, district or territory of the United States who seeks to be admitted to practice before the courts of this state in cases in which he/she is associated with an organized and Supreme Court approved program providing legal services to indigents may be admitted to practice upon the filing with this court of a written application, under oath, in the Clerk's Office and after satisfying the Board of Bar Examiners that he/she is a member in good standing of said court and he/she is or will be associated with such a program. Approval by this court may be granted to programs providing legal services to indigents which programs are either **(1)** funded in whole or in part by the federal government or by the Rhode Island Bar Foundation or **(2)** sponsored by a law school accredited and approved by the American Bar Association.

Admission to practice under this subdivision shall cease to be effective whenever the attorney is no longer associated with such a program and in no event shall permission to practice under this subdivision remain in effect longer than two (2) years for any individual invoking its provision.

Permission to practice with such approved programs which has been previously given by this court to certain individuals shall remain in effect no longer than two (2) years from the date of the issuance of this order.

Time spent practicing law pursuant to the authority of this subdivision, shall not be used to satisfy the requirement of subdivision **(b)** herein.

- (f) Any attorney who is a member of the bar of the highest judicial court of a state, district, or territory of the United States, who is on active duty with any one of the armed services, may appear in any court of the State of Rhode Island with the written authorization of the senior legal officer of such service on active duty within the service district which includes the State of Rhode Island, to represent in civil or criminal causes junior non-commissioned officers and enlisted personnel of such service who might not otherwise be able to afford proper legal assistance.

A copy of each such written authorization, which may be general and not confined to a particular case, shall be filed by the senior legal officer with the Clerk of the Supreme Court of the State of Rhode Island and shall be updated annually by such officer or his/her successor.

Time spent practicing law pursuant to the authority of this subdivision shall not be used to satisfy the requirements of subdivision **(b)** herein.

- (g) Any attorney who is a member of the bar of the highest judicial court of a state, district, or territory of the United States, who is on extended active duty with the Rhode Island National Guard, may appear in any court of the State of Rhode Island with written authorization of the State Judge Advocate of the Rhode Island National Guard, to represent the Rhode Island National Guard, its officers, members, and employees acting in their official capacities. Such an attorney shall be considered to be a member of the bar of this Court during such service. A copy of each written authorization, which may be general and not confined to a particular case, shall be filed by the senior legal officer with the Clerk of the Supreme Court of the State of Rhode Island and shall be updated annually by such officer or his/her successor. Time spent practicing law pursuant to the authority of this subdivision shall not be used to satisfy the requirements of subdivision **(b)** herein.

RULE 3. ADMISSION TO THE BAR: COMMITTEE ON CHARACTER AND FITNESS

- (a) All persons who desire to be admitted to practice law shall be required to establish their moral character and fitness to the satisfaction of the Committee on Character and Fitness of the Supreme Court of Rhode Island in advance of such admission.
- (b) The Committee on Character and Fitness shall be appointed by the Supreme Court. Its members shall be seven (7) in number and shall include: **(a)** one (1) member of the Board of Bar Examiners; **(b)** the Attorney General of Rhode Island or his or her designee; **(c)** the Clerk of the Supreme Court or his or her designee; **(d)** four (4) members of the Rhode Island Bar. The Court shall designate the Chair and Vice-Chair of the Committee.
- (c) The terms of the Attorney General or his/her designee and of the Clerk of the Supreme Court or his/her designee as members of the Committee on Character and Fitness shall be coterminous with their terms of office. Each other member of the Committee shall be appointed for a term of three (3) years and shall be eligible for re-appointment for a second three (3) year term. No member of the Committee, other than the Attorney General or his/her designee and the Clerk of the Supreme Court or his/her designee, shall serve more than two (2) terms. Members of the Committee shall receive no compensation for their services, but their reasonable expenses shall be funded from the fee paid by those persons seeking admission to practice law in the State of Rhode Island.
- (d) Each person shall be immune from civil liability for all of his/her statements made in good faith to the Committee, the Office of Attorney General or to this Court or given in any investigation or proceedings pertaining to the application. The protection of this immunity does not exist as to statements made to others. The Committee, its staff, counsel, investigators, and any members of any hearing panels, shall be immune from civil liability for any conduct arising out of the performance of their duties.
- (e) Persons seeking admission to the practice of law shall, not later than May 1 of the year in which they intend to take a July examination, and not later than December 1 next preceding the year in which they intend to take the February examination, file

with the Committee on Character and Fitness and with the Clerk of the Supreme Court the petition and questionnaire on a form to be furnished by the Clerk. The questionnaire shall also contain a certificate signed by two (2) persons certifying the applicant's good moral character. The questionnaire shall be executed by the applicant under oath. The foregoing requirements as to the time of filing may be waived by the Committee for good cause shown.

- (f) Any person who seeks to practice law in the State of Rhode Island shall at all times have the burden of proving his/her good moral character before the Committee on character and fitness of the Supreme Court. The failure of any applicant to answer any question on the petition/questionnaire or any question propounded by any member of the Committee on Character and Fitness of the Supreme Court, or to supply any documentary material requested by them or any of them, shall justify a finding that the applicant has not met the burden of proving his/her good moral character.
- (g) Any person who seeks admission to practice law in the State of Rhode Island shall agree to waive all rights of privacy with reference to any and all documentary materials filed or secured in connection with his/her application. The applicant shall also agree that any such documentary material, including the character questionnaire, shall be offered into evidence, without objection, by the Committee on Character and Fitness in any proceeding in regard to the applicant's admission to the practice of law.
- (h) All matters referred to the Committee for investigation shall be confidential. No member of the Committee at any time, either while a member of the Committee or thereafter, shall disclose any matter in any file, except at the request of the Committee, or the Supreme Court or unless legally required to do so. All minutes or records circulated to members of the Committee shall be kept confidential. All records relating to matters referred to the Committee shall be retained in the Committee's permanent files.
- (i) Upon receiving the petition and questionnaire, the Committee on Character and Fitness shall promptly **(a)** verify such facts stated in the questionnaire, communicate with such references given therein, and make such further investigation as it deems desirable or necessary; **(b)** if it deems necessary, arrange for a personal interview with the applicant; **(c)** consider the character and fitness of the applicant to be admitted to the practice of law; **(d)** transmit to the Supreme Court a report of its investigation and its recommendation in regard to the character and fitness of the applicant for admission to the practice of law.
- (j) If the recommendation of the Committee on Character and Fitness is against admission, the report of the Committee shall set forth the facts upon which the adverse recommendation is based and its reasons for rendering an adverse recommendation. The Committee shall promptly notify the applicant about the adverse recommendation and shall give the applicant an opportunity to appear before it and to be fully informed of the matters reported to the Court by the Committee, and to answer or explain such matters.
- (k) If, following such appearance, the Committee is still of the opinion that an adverse report should be made on the application, it shall first give the applicant the privilege of withdrawing the application. If the applicant elects not to withdraw the application, and the second report and recommendation of the Committee to the Court is against approval of the application, the Court, upon receipt of the report with the adverse recommendation by the Committee, may grant the application or

shall require the applicant to show cause why his/her application should not be denied.

RULE 4. FEES AND NOTICE. An applicant for admission by examination shall pay to the Character and Fitness Committee a fee of Three Hundred Fifty (\$350.00) Dollars. An applicant who has failed an examination and wishes to take a subsequent examination shall pay to the Clerk a fee of One Hundred and Seventy-Five (\$175.00) Dollars. Attorneys seeking admission under **Rule 2** shall pay to the Clerk a fee of Five Hundred (\$550.00) Dollars and a fee of Two Hundred (\$250.00) to the National Conference of Bar Examiners. At least ten (10) days prior to examination or, in the case of applicants for attorney admission on motion, at least seven (7) days prior to such admission, the board shall cause to be published in a legal notice or news story in a daily newspaper of general circulation in this state the name of such applicant.

RULE 5. COMPOSITION OF BOARD. The board of bar examiners shall consist of seven (7) members to be appointed by the court. The members of the board shall hold office for the term of five (5) years from the date of their several appointments, or until their successors are appointed. The court may remove any examiner at its pleasure and fill any vacancy in said board.

Subject to the approval of the court, the board may make rules for its organization, conduct, and government.

The members of the board shall serve without compensation and shall be immune from suit for any conduct in the course of their official duties.

RULE 6. POWERS AND DUTIES OF THE BOARD. The Board of Bar Examiners shall ascertain the character and qualifications of the applicants, and, unless otherwise specially ordered, shall examine the applicants as to their knowledge of law and shall report to the court the names of applicants they recommend for admission to the bar. Each applicant recommended, unless the court otherwise orders, shall be admitted as an attorney of this court and, such as, shall be entitled to practice law in all the courts of this state.

All candidates for admission to the bar shall complete and execute all written applications, questionnaires, affidavits, and other statements that the board in its discretion shall require of them.

Upon petition, for good cause shown, the board, in its discretion, may waive compliance with any of the foregoing rules if it finds that such waiver will not be detrimental to the public interest. An applicant aggrieved by a denial of the board of his/her petition for a waiver may file a petition for review with the court within thirty (30) days of the issuance of notice by the board of such denial. Included among the individuals who may invoke the waiver provisions of this rule are applicants with a past, present, or future military obligations with any branch of the armed forces of the United States.

RULE 7. EXAMINATIONS. The Board of Bar Examiners shall determine the time and place of all examinations for admission to the bar.